


EXPRESS MAIL No.: EV 049 321 252 US

Deposited: May 7, 2002

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Attn.: Rafael Bacares, Commissioner for Patents, Washington, DC 20231

 / Ruth Montalvo Date: May 7, 2002 #5

In the event that this paper is late filed and a necessary Petition for an Extension of Time is not concurrently filed herewith, please consider this as a Petition for the requisite extension of time, and to the extent not tendered by check attached hereto, authorization to charge the extension fee, or any other fee required in connection with this paper, to Deposit Account No. 50-1529.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Customer No. 026418

Attorney's Docket No.: GK-ZEI-3130 / 500343.20130

U.S. Application No.: 09/869,951

International Application No.: PCT/EP00/10808

International Filing Date: NOVEMBER 2, 2000

Priority Date Claimed: NOVEMBER 10, 1999

Title of Invention: SYSTEM FOR INTRODUCING OPTICAL TWEEZERS  
AND/OR A TREATMENT BEAM INTO A MICROSCOPE

Applicant(s) for (DO/EO/US): Ronald WENDENBURG, Anja HOFFMANN, Karl  
Otto GREULICH, Shamei MONAJEMBASHI and  
Volker UHL

Office of PCT Legal Affairs  
Attn.: Rafael Bacares  
Commissioner of Patents  
Washington, D. C. 20231

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**PETITION UNDER 37 C.F.R. 1.182**

**INVENTOR HAS CHANGED NAME AFTER FILING OF APPLICATION.**

**MPEP 605.04(c)**

Sirs:

In response to the "Notification of Defective Response" mailed April 8, 2002 (a copy of which is attached) applicant submits this petition to request that the inventor in question be able to use her new name on the patent application captioned above, i.e., inventor, Anja Hoffmann has changed her name to Anja Michelmann.

UR 755/2002

Enclosed is a supporting affidavit describing the events which led to the name change. The petition fee of \$130.00 is also enclosed.

It is respectfully requested that in accordance with MPEP 605.04(c) that the inventor's new name, Anja Michelmann, be used in the PALM database and all relevant USPTO files.

Anja Hoff - a - - / 30. April 2002  
Date  
Anja Hoffman  
Inventor

Anja Michel - a - - / 30. April 2002  
Date  
Anja Michelmann  
Inventor

Respectfully submitted,

GHK:mvk  
(212) 521-5400

By: Gerald H. Kiel  
Gerald H. Kiel - Reg. No. 25,116  
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375 Park Avenue  
New York, NY 10152

UR 756/2002

The duly approved signature of

Mrs. Anja Michelmann geb. Hoffmann

born on 27th day of March 1974

proof of his identity was given by presenting her identity  
card,

domiciled at D-07745 Jena, Kronfeldstr. 21

is authenticated by me,

Birgit M u t h


Notary Public in Jena and for Thüringen,  
Käthe-Kollwitz-Str. 17, 07743 Jena.

Jena, this 30th of April 2002



Muth

Notary Public





APR 08 2002

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
Washington, D.C. 20231  
www.uspto.gov

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In re Application of  
Ronald WENDENBURG et al  
Application No.: 09/869,951  
PCT No.: PCT/EP00/10808  
Int. Filing Date: 02 November 2000  
Priority Date: 10 November 1999  
Attorney Docket No.: GK-ZEI-3130  
For: SYSTEM FOR INTRODUCING OPTICAL  
TWEEZERS AND/OR A TREATMENT BEAM  
INTO A MICROSCOPE

NOTIFICATION OF

DEFECTIVE RESPONSE

This application is before the PCT Legal Office for consideration of matters under 35 USC 371.

### BACKGROUND

On 02 November 2000, applicants filed international application No. PCT/EP00/10808, which claims a priority date of 10 November 1999. No Demand electing the United States was filed in this international application. Accordingly, the deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.494 was 10 July 2001.

On 09 July 2001, applicants filed in the United States Patent and Trademark Office (PTO) a Transmittal Letter (Form PTO-1390) accompanied by, *inter alia*, the basic national fee.

Applicant, however, did not satisfy the requirement set forth by 35 U.S.C. 371(c)(4) because an executed oath or declaration was not provided.

On 10 September 2001, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicant, *inter alia*, that an "Oath or Declaration of the inventors, in compliance with 37 CFR 1.497(a) and(b), properly identifying the application (preferably by the International application number and international filing date) ... must be submitted within two months from its 10 September 2001 date of mailing or by 22 months from the priority date, whichever is later. Failure to properly respond will result in abandonment."

# DOCKET

DLF May 8, 2002 Reply to notice of Defective Response Deadline

On 10 December 2001, applicants submitted an executed declaration of the inventors. In the declaration section pertaining to the second named inventor, the name Anja MICHELMANN appears; this name did not appear in the international application. In addition, the declaration has been signed by "Anja MICHELMANN."

### DISCUSSION

The declaration of the inventors is not acceptable at this time, in that the name of the second named inventor, Anja MICHELMANN, does not correspond to that set forth in the international application, Anja HOFFMANN. MPEP § 605.04(c) requires in instances where an inventor has changed his or her name after the application has been filed to submit a petition under 37 CFR 1.182. The petition must include (1) the appropriate petition fee and (2) an affidavit signed with both names setting forth the procedure whereby the change of name was effected, or a certified copy of the court order.

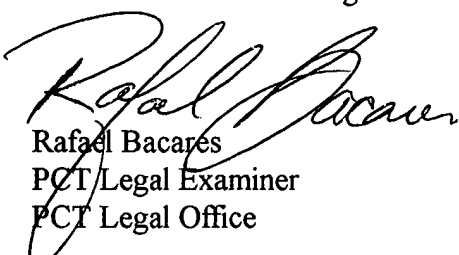
Applicant has must provide items (1) and (2) for consideration. Alternatively, applicants may provide a showing that the name change was effected in accordance with PCT Rule 92Bis prior to the filing of the present national stage application.

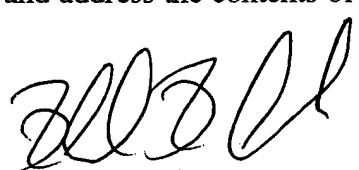
### CONCLUSION

For the reasons above, the application may not enter into national stage processing at this time.

A proper response to the Notice of Defective Response must be filed within ONE (1) MONTH from the mail date of this decision or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended up to a maximum of five (5) months.

Please direct further correspondence with respect to this matter to the Assistant Commissioner for Patents, Box PCT, Washington, DC 20231, and address the contents of the letter to the attention of the PCT Legal Office.

  
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PCT Legal Office

  
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